

M E M O R A N D U M.

RE: BLUE MOUNTAIN DISTRIBUTION.

The State Engineer held a meeting with some of the water users of this district at 8 P.M., April 16, 1926, at the Court House at Monticello; the following being present:

F. W. Keller,
J. F. Pehrson
A. S. Wood
Frank Halls
Karl Barton of Verdure

Blue Mountain Irrigation Co.

Geo. A. Adams, Pres.
C. E. Walton, Secty.
D. B. Perkins, Director & Water Commissioner.

Ray Wood
Elmer Dalton
Hardy Redd (Carlile Interest)
Julious Bailey

The matter immediately under consideration was the construction of certain portions of the Sheley Report, which forms the main part of a decree made about 1916. The discussion disclosed that certain of the water users considered that the decree limited the irrigating season to commencing on May 1st, where set out in the decree opposite individual rights, but that rights acquired through application to the State Engineer's Office could divert water anytime within the limits set by the application or the certificate. It was agreed that as it would be impossible to get an opinion from the Court before May 1st, that the State Engineer's construction would be accepted.

The State Engineer advised the meeting that after reading over the Sheley Report and listening to the various arguments, he held that in his opinion the report was not intended to limit the irrigating season to a commencement on May 1st, and he based this conclusion on the fact that practically all references to May 1st were in connection with the fixing of a definite duty for the particular right, and also that in other portions of the report the wording plainly admitted that irrigation might be necessary in certain seasons before May 1st.

The question of water duty during April was discussed and it seemed satisfactory to those present to have the Water Commissioner establish a duty which would be in the same ratio to the duty given in the Sheley Report for May that the May duty stood to that of June. I see no objection to this arrangement, and would point out that this might well be a matter for mutual agreement between the interested water users.

In answer to questions, the State Engineer told the water users that no right supposed to be acquired since 1903 was valid or had any standing except as the same was acquired through the State Engineer's Office in full compliance with the law. It was pointed out that owing to this situation, the Sheley Report was out of date and formed at the present time no satisfactory guide as to rights or how the water should be distributed. In view of the foregoing, the State Engineer suggested that water users give earnest consideration to the question of having the rights readjudicated under the present law and procedure.

Geo. M. Bacon

April 20, 1926,